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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the combined fourth and fifth periodic reports of India

Addendum

Replies of India*

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* The present document is being issued without formal editing.

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Follow-up to the exceptional report

1. **Response**: Ever since the unfortunate 2002 riots in Gujarat, efforts have been made to maintain peace and punish the guilty through law and restore justice to the victims. Due consideration has been given to the recommendations of the Committee and various measures have been taken to rehabilitate and compensate the victims as well as their continued protection. Judicial authorities in the country continue to examine cases filed in connection with the Gujarat incidents of 2002.

India also embarked on legal reform measures to enhance punishment for rape and other violence, in particular sexual violence against women. Wide consultations with various stakeholders including women's groups were undertaken in this regard.

The Criminal Law Amendment Act 2013 amends various sections of the Indian Penal Code, Code of Criminal Procedure, the Indian Evidence Act and Protection of Children for Sexual Offences Act. It aims to provide a strong deterrent against crimes like rape including death sentence to offenders who may have been convicted earlier for such crimes. It also defines stalking and voyeurism as non-bailable offences if repeated for a second time and perpetrators of acid attacks to be given 10-year jail.

Investigation of crimes perpetrated against women and girls including sexual assault have been made resulting in a number of convictions including arrest and punishment of state officials who were found to be complicit.

Information on the number of cases of sexual assault and violence against women that have been reported and the present status of the resolution of such cases is at **Annex I**.

Total 8 cases of sexual assault and violence against women had been reported, which include 1 each in Dahod and Anand district and 3 each in Panchamahal (Godhara) and Ahmedabad city.

Information on victim protection measure and other measures to support victims that have been put in place and impact of such measures is at **Annex II**.

Moreover, special steps which are being taken in Ahmedabad city are as under:-

Victim protection has been provided by Ahmedabad City Police as and when required and necessary, looking to the threat perception and nature of case. Ahmedabad City police have also provided protection to the Godhara riot case victims since 2003 as per instructions from Supreme Court of India. The said protection has been provided by Armed police of Police headquarter and Central Industrial Security Force (CISF) personnel. Local police station's Mobile and other vehicles are doing regular patrolling in their resident area. Fixed State Reserve Police (SRP) point has been deployed in their residence area. Effective check and balance system has been implemented. Hence utmost and all required care has been taken by Ahmedabad City Police to provide protection to the victim and for their safety.

Information on arrest made and punishment imposed including on State officials who were found to be complicit in such crimes is at **Annex III**.

Gender specific measures to rehabilitate and compensate women victims of violence including sexual violence and their families has also been taken. The economic rehabilitation of women affected by the riots have also been sought to be addressed

through various measures including assistance provided through earning assets. The number of women who have benefited from such measures and compensation are as under:-

- Housing Assistance- Total cases were 30848 out of which 5097 were women. Total assistance amounting to Rs. 3032.6 million (USD 49.2 million) has been paid. Each was paid ten times the amount given by State Government less amount already paid and the total assistance paid to affected women amounts to Rs. 477.3 million (USD 7.74 million).
- Injury Assistance: Total cases of injury were 2548 out of which 378 were women. The total assistance paid amounted to Rs. 318.5 million (USD 5.16 million). Every injured woman was paid Rs. 125,000 (USD 2028.23) and the total assistance paid was Rs. 47.3 million (USD 0.76 million).
- Death Assistance: Total death cases were 1169 out of which 284 were women. The total assistance paid amounted to Rs. 584.5 million (USD 9.48 million). The legal heirs of each deceased women were paid Rs. 500,000 (USD 8112.93 million) and the total amount paid to the heirs of deceased women was Rs. 142 million (USD 2.3 million).
- Earning Assets: Total cases were 19373 out of which 2332 related to women. The total assistance paid amounted to Rs. 857.5 million (USD 13.91 million). Each was paid ten times the amount given by the State Government less amount already paid and the total assistance paid to affected women amounted to Rs. 68.5 million (USD 1.11 million).

Communal violence

2. **Response**: The Communal Violence (Prevention, Control and Rehabilitation of Victims Bill, 2005' was introduced in the Rajya Sabha in December 2005 to address all aspects of the issue of communal violence in a uniform way throughout the country. Thereafter the Bill has undergone several changes after comprehensive consultations and a modified Bill titled 'Prevention of Communal and Targeted Violence (Access to Justice and Reparation) Bill, 2011' has been approved by the Government for introduction in Parliament. The Bill seeks to cover various issues related to communal violence and reparation of victims.

As the amended title indicates the proposed Bill has taken into account many of the issues/recommendations by the Committee made in its previous concluding observations. The proposed Bill under Section 9 addresses sexual and gender based crime against women perpetrated during the communal violence. Where the targeted violence occurs under section 9, the State Government shall order an enquiry to be conducted by a judge of the High Court of the state in which such violence occurs in addition to the investigation held by the police in charge of public functions (Section 69)

Section 69 of the Bill proposes that upon the sole testimony of the victim of sexual violence, the designated judge appointed under the Act may conclude that an offence of sexual violence has been committed against the said victim. Further in the prosecution of the offence of sexual violence, it shall not be permissible to put in cross examination of the victim as to his or her general character or rely on any evidence of previous conduct of such victim.

The Indian Constitution prohibits discrimination on the grounds of religion and sex. As such all the measures in place for the protection of citizens are available to women and girls belonging to religious or cultural minorities also. While disallowing discrimination on the ground of sex, the Constitution permits affirmative action for the welfare of women and children. As such the State has put in specific women centric legislations for protecting them from various types of violence. These legal instruments are available to all women and girls including those belonging to religious and cultural minorities. The police and other Government agencies keep additional vigil to protect religious or cultural minorities within the existing legal framework as and when any disturbance is foreseen.

The State implements a scheme for Assistance to Civilian Victims/Family of Victims of Terrorist, Communal and Naxal Violence under which financial assistance is provided to the family member(s) in the event of death or permanent incapacitation of the victim, in terrorist, communal or Naxal violence. In addition, the State Governments also award ex-gratia payments to the victims/survivors of communal violence. Under criminal procedure code (Section 357 and 357A), courts also order compensation to the victims of various crimes. Such compensation is also available to the women victims of communal violence.

The Ministry of Home Affairs issues regular advisories to the State Governments with a view to containing the violence and also deploy additional Central Para Military Forces to assist the State Governments in the restoration of peace and normalcy. The Guidelines to promote communal harmony issued in 1997 have been revised extensively to keep up with the changes. They were circulated to all the State Governments/ Union Territories in June, 2008. The Ministry, in close coordination with the State Governments took all necessary steps to provide succour to the affected people by establishing relief camps and meeting their day to day needs.

The National Foundation for Communal Harmony (NFCH), an autonomous body under the administrative control of the Ministry of Home Affairs, promotes communal harmony, fraternity and national integration. The activities of all religious fundamental organization or groups having a bearing on peace, communal harmony and security of the country are under constant watch by law enforcement agencies and requisite action is taken against them, wherever necessary, including imposition of ban.

The National Integration Council has been continuously deliberating on finding ways and means to combat the evils of communalism, casteism, regionalism, linguism and narrow-mindedness, and to formulate definite conclusions in order to give a lead to the country. Similarly, there are State Level Integration Council and District level communal harmony committees.

More importantly, as and when any territory or place is affected by communal violence, the local administration apart from taking action under the law and providing relief, also brings religious and community leaders together to restore normalcy and impress upon them the need to maintain law and order.

Constitutional and legislative framework

3. **Response**: It needs to be reiterated that the Indian Constitution prohibits any discrimination on the ground of sex. The jurisdiction of the Central government and

State Governments are within the mandate given by the Constitution which adopt a policy which is non-discriminatory towards women. As such all the policies, programmes and legal instruments either put in place by the State Governments or the Central Government addresses all the issues in a non-discriminatory manner. While bringing enactments in respect of the matter included in the concurrent list the Central Government always consults the State Governments.

Even though the State of Jammu and Kashmir enjoys a special status, fundamental rights and other rights available under the Constitutional framework, are equally enjoyed by the people living in the State of Jammu and Kashmir. The Government of the State of Jammu & Kashmir has put in and continue to put programmes, policies and legal instruments for the welfare of the people of the State within the Constitutional mandate.

This ensures consistent implementation of necessary programmes including welfare measures for women in the state to eliminate all forms of violence against women. The State of Jammu and Kashmir has an institutional mechanism in the form of State Commission for Women which ensures protection of rights of women and gives recommendations to the State Governments on lacunae in existing legal framework concerning women.

Legal complaint mechanisms

4. **Response**: Apart from the Constitutional guarantees provided under the Article 14 (Equality before the law and equal protection of the laws) and Article 15 (Prohibition of discrimination on grounds of sex), Article 15(3) allows the State to make special provisions for women and children.

In addition to the women specific legislations and programmes, the Penal Code and the Criminal Procedure Code have provisions to facilitate access to justice and address discriminatory practices. These include

Penalty for a public servant who fails to record any information given to him in relation to offences under Section 326, 354, 375 and 376 (acid attack, outraging the modesty of a woman and rape) of the Indian Penal Code.

- Duty on all hospitals public, private run by the Central Government or State Government to provide first aid or medical treatment, free of cost to victims of acid attack or rape.
- Prohibit arrest of a woman after sunset and before sunrise.
- Statement of a rape victim to be recorded at her residence or at a place of her choice and as far as practicable by a woman police officer.
- In cases where a woman is being arrested her submission to custody on an oral intimation of arrest shall be presumed consent and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest.
- All rape cases to be tried in the court of a woman judge as far as practicable.
- In camera trial of sexual offence cases to be conducted as far as practicable by a woman judge.

- Trials in rape cases to be completed within a period of two months from the date of commencement of the examination of witness.

Under the Legal Services Authority Act, 1987 every woman has a right to free legal services. To access such services one can contact District/Taluk Level Legal Services Authority offices.

Further, under various women related legislations the Government had identified and put in place special mechanism to facilitate women's access to relief under the law.

- Under the Protection of Women from Domestic Violence Act, 2005 which seeks to provide immediate relief to women in cases of domestic violence, the State Government has appointed Protection Officers and registered Service Provider under this law to facilitate women's access to relief under this Act.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder has been brought into effect from December 2013. Under this Act every employer has to constitute a Complaints Committee in order to look into complaints of sexual harassment. The Act also mandates constitution of a Committee in every district by the District administration which gives access to a mechanism to those women who work in the unorganized sector or in workplaces having less than 10 employees.

The **Family Courts** Act, 1984 provides for establishment of Family Courts by the State Governments in consultation with the High Courts with a view to promote conciliation and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith. While the responsibility of setting up of a family court rests with the State Government concerned, the Government of India provides financial assistance to the States for the development of infrastructure facilities for the judiciary. At present 212 Family Courts are functional across the country.

Fast Track Courts (FTCs) are established by the State Governments in consultation with the concerned High Courts. The Union Government provided financial assistance for creation of 1,734 Fast Track Courts in the country for disposal of long pending sessions and other cases. During the period from 2005-06 to 2010-11, funds released is as under:

Year	*Grant released*
2005-06	Rs. 1000.00 million (USD 16.22 million)
2006-07	Rs. 1000.00 million (USD 16.22 million)
2007-08	Rs. 572.00 million (USD 9.28 million)
2008-09	Rs. 545.60 million (USD 8.85 million)
2009-10	Rs. 561.30 million (USD 9.10 million)
2010-11	Rs. 731.60 million (USD 11.87 million)

Expenditure incurred on Fast Track Courts beyond this period is the responsibility of the State Government concerned. As per the available information, 3.234 million cases have been disposed off by these courts, out of 3.89 million transferred to these

courts leaving 0.656 million cases pending for disposal. While the Fast Track Courts have the same expertise as possessed by the ordinary courts, there is efficiency in disposal of the cases as Fast Track courts are tasked with a limited number of cases when compared to other courts and also need to deal with certain offences/cases.

Apart from these, the special mechanism of Public Interest litigation (PIL) and other judicial review process in the legal complaint mechanism are also operational through inspection and monitoring of Fast Track Courts as well as lower judiciary by the respective High Courts.

The total number of registered cases of crime against women during the year 2012 were 232,528. Details including the charge sheeting and conviction rate are at **Annex IV**.

National machinery for the advancement of women

5. **Response**: The National Mission for Empowerment of Women (NMEW) has set up a dedicated institutional mechanisms for addressing women's issues in a holistic manner at the Central and State level, besides undertaking action research studies as well as pilot projects to demonstrate convergence at field level and awareness generation activities. Inter-ministerial platforms chaired by respective Chief Ministers/Administrator have been created and notified in 32 States/UTs. State Resource Centres for Women (SRCWs) — the technical unit responsible for planning, execution and technical support to the State Mission authority have been set up in 30 States/UTs.

The Central Monitoring Committee (CMC) under the Chairpersonship of Minister, Women and Child Development with representatives from five participating Ministries/Departments, State Government officials and specific domain experts as members has met five times for finalising the Action plan, determining the road map, priority areas of interventions and review of the progress of NMEW.

The Inter-Ministerial Coordination Committee (IMCC) under the Cabinet Secretary with Secretaries of 14 partner Ministries/Departments as members has met four times for discussing the inter sectoral/interministerial convergence issues with a focus on improving child sex ratio. The milestone emerging out of these series of meetings has been a consensus and collective ownership on the roles and responsibilities of respective line ministries for improving the CSR with collective action at the level of policies, programmatic intervention and community outreach.

By anchoring the process, a National Plan of Action for improving the Child sex ratio has been drafted. The National Mission also undertook thematic convergence projects in 10 districts having low child sex ratio to demonstrate convergence process for improving the child sex ratio. These projects have been undertaken through panchayats (rural local bodies). Through E-Vidya programme which is aimed at empowering rural women by making them digitally literate, 22,764 rural women were trained. The National Mission for Empowerment of Women is in the process of setting up of Convergence-cum-facilitation Centres for women at the district and sub-district level to improve access to government schemes and programmes spread across different departments. These are called Poorna Shakti Kendras. This model is operationalized in two districts and 19 more districts will have these projects shortly.

National human rights institutions

6. Response: The National Commission for Women is a statutory body constituted under the provisions of the National Commission for Women Act 1990. It is headed by a Chairperson who is committed to the cause of women. The Commission consists of five members nominated by the Union Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade unionism, management of an industry potential of women, women's voluntary organisations (including women activist), administration, economic development, health, education or social welfare. Of these five members, at least one member belongs to Scheduled Caste and Scheduled Tribe. An expert in the field of management, organisational structure or sociological movement or an officer with appropriate experience is appointed as Member Secretary.

Mandate of the National Commission for Women

i. To investigate and examine the legal safeguards provided for women under Constitutional and other laws recommend remedial legislative measures to meet any lacunae in such laws

ii. Facilitate redressal of grievances/look into complaints relating to deprivation of women's rights

iii. Advise the Government on all policy matters relating to women.

iv. Evaluate the progress of the development of women

v. Organize special studies and research relating to the empowerment of women

vi. Inspect Jails

vii. Fund litigation on issues concerning women at large

viii. Submit Annual Reports to the Government

The Commission while investigating any matter referred to shall have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely:-

(i) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(ii) requiring the discovery and production of any document;

(iii) receiving evidence on affidavits;

(iv) requisitioning any public record or copy thereof from any court or office;

(v) Issuing commissions for the examination of witnesses and documents.

The Union Government provides necessary human and financial resources to the National Commission for Women to carry out its mandate. At present the Commission has a total staff strength of 94 including Chairperson and Member. The budget allocated during the last three years and current year is given below:

Year	*2010-2011*	*2011-2012*	*2012-2013*	*2013-2014*
Amount	82.5 million INR (USD 1.33 million)	123 million INR (USD 1.99 million)	151.3 million INR (USD 2.45 million)	149.5 million INR (USD 2.42 million)

The NCW processes the complaints received orally, in writing or online through its website i.e., www.ncw.nic.in. In addition, the Commission also takes **suo-moto** cognizance of incidents related to heinous crimes against women under Section 10 of the National Commission for Women Act, 1990. Generally, the complaints are acted upon in the following manner:-

(i) The complaints of police apathy/police inaction are forwarded to the concerned State Governments for ensuring a timely & fair investigation of the matter. The Action Taken Reports (ATR) thus received from the corresponding State Governments are examined and further monitored;

(ii) Family disputes/matrimonial disputes are resolved through counselling. Both the parties are called to NCW for a personal hearing and are counselled to resolve the conflict;

(iii) For serious crimes, the Commission constitutes Inquiry Committees, which makes on the spot inquiries, examines various witnesses, collects evidence and submits reports with recommendations. Such investigations help in providing immediate relief and justice to the victims of violence and atrocities. The Commission monitors the implementation of the recommendation of the Inquiry Committees by taking up the matter with the concerned State Governments Authorities;

(iv) Some complaints received from women are also forwarded to the various State Commissions for Women, the National Human Rights Commission, the National Commission for SC/ST and their State counterparts for initiating appropriate action at their end. These complaints are those complaints which are not directly related to the deprivation of women rights.

The details about number of complaints received and acted upon by NCW during the last three years are given below:

Year	*Complaints Received*	*Action Taken*	*Closed*	*Pending For Action*
2011	15 870	15 870	4 701	0
2012	16 557	16 557	7 074	0
2013	16 701	16 599	5 479	102

As indicated in the 4th and 5th periodic Report, State Commissions for Women are entities set up by the respective State Governments under state statutes or executive orders. They receive grants from the State Governments.

The National Commission for women has national jurisdiction except in the case of Jammu and Kashmir, and the State Commission has jurisdiction in their respective state. In respect of complaints, the jurisdiction runs concurrent and the National Commission has overarching jurisdiction. In other words, the National Commission for Women can carry out its mandate in a state without depending on the State Commission or affecting its mandate. As already mentioned in para. 3, the State of

Jammu and Kashmir also has its own State Commission for Women. This ensures protection of full range of women's rights across state jurisdictions.

The National Commission for Women constituted under the National Commission for Women Act, 1990 and the National Human Rights Commission (NHRC) constituted under the Protection of Human Rights Act, 1993 are vested with the same powers of the Civil Court while investigating any matter. While NHRC which has a wider mandate, the National Commission for Women has a mandate for protection of rights of a specific group i.e. Women. The National Human Rights Commission enjoys additional powers such as the power to enter any building or place and seize documents in the course of an enquiry. Such a provision is required for NHRC in view of its mandate to look into human right violations. The responsibility given to the NHRC can be assessed from the fact that it is to be headed by a person who has held the position of Chief Justice of India and the Chairperson of National Commission for Women is deemed to be a Member of the NHRC for discharge of specified functions. Both NHRC and the NCW consult each other on all major policy matters affecting women.

Temporary special measures

7. **Response**: Article 14 of the Constitution of India guarantees equality before the law and equal protection of the laws. Article 15 prohibits discrimination on grounds of sex and at the same time 15(3) allows the State to make special provisions for women and children. In order to achieve substantive equality special temporary measures have been taken in the form of affirmative action that includes protective legislation and programmatic interventions as under:

- Various constitutional and statutory commissions like National Commission for Women and National Commission for Protection of Child Rights etc. are constituted to look into the issues relating to women and children, including girl child, protect their interest and make recommendation to the government.
- The 73rd and the 74th amendments to the Constitution, provides for that one-third of the total seats for women as well as posts of chairpersons within the Panchayati Raj Institutions (Rural self-governing) be reserved for women in all categories.
- Gender Budgeting (GB) was adopted by the Government of India in 2005 as a tool for mainstreaming gender in all government policies and programmes. Till date, GBCs have been set up in 56 Ministries which are expected to serve as focal points for coordinating Gender Budgeting initiatives, both intra and inter-ministerial.
- The Hindu Succession (Amendment) Act, 2005 was enacted to guarantee property rights to a daughter and to bring her at par with a son or any male member of a joint Hindu family. This Amendment Act, makes the daughter a coparcener in her own right with the same rights and 'iabilities in the coparcenary property as the son.
- The Protection of Women from Domestic Violence Act, 2005 is a gender specific legislation which seeks to provide immediate relief to any woman fac.ng domestic violence.

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules were enacted in December 2013 to provide a safe and secure working environment to all women.
- The Prohibition of Child Marriage Act, 2006 prohibits marriage of a girl below 18 years of age and a boy below 21 years. It provides for punishment to anyone who performs, conducts or directs or abets any child marriage.
- The Criminal law (Amendment) Act, 2013 — Through this act of 2013 special provisions have been put in place with regard to the offence of Sexual assault/rape against women, women friendly criminal procedure has been put in place.
- A High Level Committee on the status of women has been set up on 27th of February 2012 to undertake a comprehensive study to understand the status of women as well as to evolve appropriate policy interventions based on a contemporary assessment of women's needs.

Stereotypes and harmful practices

8. Response:

- Dowry — As per the study on impact of Dowry Prohibition Act,1961 on Social Change the respondents felt that Dowry Prohibition Act did not match with the reality of life, parties did not oppose dowry while accepting marriage proposals at initial stage etc. The review of the Dowry Prohibition Act, 1961 was carried out by the National Commission for Women on the recommendation prepared in consultation with various stakeholders The major amendments proposed relate to definition of dowry being revised with the expression 'gifts' in place of presents to indicate the voluntary intent of the exchange, providing separate penalty for givers and takers of dowry and harmonize the provisions with the Domestic Violence Act, 2005.
- Honour killing — The study on honour Killings in selected states found out that honour killings have been reported from those areas where the Khap panchayats are active, violence against couples has not only been reported from rural areas but also from cities and law enforcement agencies have failed to provide the necessary protection to couples. Honour-killings are dealt as per the provisions of murder in the existing criminal laws. The Government has issued advisories to the State Governments advising, inter-alia, that special steps be taken to curb the violations of women's rights by so called honour-killings to prevent forced marriage in some parts of the country.
- Child marriage — The Child Marriage Restraint Act was repealed and the Prohibition of Child Marriage Act was enacted in 2006 to makes child marriage an offence and prescribes punishment for those conducting/abetting/promoting/solemnizing child marriages.
- Sex-selective abortion — The Pre-Conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) (PC&PNDT) Act, 1994 was amended in 2003 prohibiting use of technologies for detection and disclosure of sex of the foetus. This Act does not penalize the woman.
- Sati — The Commission of Sati (Prevention) Act was enacted in 1987 to prevent the practice and glorification of Sati by penalizing any attempt to

commission of sati, abetment towards such commission of sati and the glorification of this practice.

- Devadasi — To root out the system that has been in existence for generations, the first step towards eradicating the system is educating the society against this evil. Awareness was, therefore, provided through campaigns, street plays, songs, distribution of pamphlets etc. Awareness programmes were also organized in front of temples during the fairs, which once homed many of the practices associated with the Devadasi system. The Government of Karnataka has come out with Devadasi rehabilitation programme, which among other things provides bank loans for income generating activities out of which 60% of the unit cost is subsidized.

- Witch Hunting — Incidents of witch hunting are generally localized. Some of the States/UTs where this problem is concentrated, have already enacted such legislations for preventing witchcraft and similar practices.

- Acid attack — The Criminal law Amendment Act, 2013 introduced a new provision to deal with the offence of acid attack within the Indian Penal Code. Section 326A states that anyone who causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person by throwing acid on or by administering acid shall be punished with imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine. That the fine shall be paid to the victim. Further, Section 326B states that whoever throws or attempts to throw acid on any person or attempts to administer acid to any person shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

- An advisory on "Measures to be taken to prevent acid attack on people and for treatment under Rehabilitation of survivors" has been issued to all states/Union Territories with the objective of regulating sale of acid and minimize the easy availability of acid to prevent the menace of acid attack.

- Adequate legal framework as under is in place to protect women from being portrayed in a negative or a subordinate role: These include:-

  - The Indian Penal Code provides penalty for sale of obscene books, Sale of obscene objects to young person and obscene acts and songs.

  - The Information Technology Act, 2000 provides punishment for publishing or transmitting obscene material in electronic form.

  - The Indecent Representation of Women (Prohibition) Act, 1986) prohibits indecent representation of women through advertisement, publication, writing, and painting or in any other manner, it also prohibits such representation in any form in any advertisement, publication etc and also prohibits selling, distribution, circulation of any books, pamphlets, and such other material containing indecent representation of women.

  - The Cinematograph Act, 1952 provides penalties to anyone who exhibits or permits to exhibit any film other than the one certified by the Board as suitable for public/unrestricted view. Also covers situations where film is tampered with after certification.

- The Press Council Act, 1978 refers to action being taken by the Council against a news agency or a newspaper in case it has offended the standards of journalistic ethics or public taste or that an editor or working journalist has committed any professional misconduct.
- The Cable Television Network Rules, 1994 states that no cable service should carry out a programme which is denigrates women through the depiction in any manner of the figure of a woman, her form or body or any part thereof in such a way as to have the effect of being indecent, or derogatory to women.

Violence against women

9. **Response**: In the absence of any comparative international data, it is rather unclear as to the basis on which the Committee chose to frame the question starting with the phrase "Given the high prevalence of violence against women in the State Party".

The Protection of Women from Domestic Violence Act, 2005 came into force on October 2006. For effective implementation of the Act State Governments are required to appoint protection officers and register service providers who shall assist women in accessing relief under the Act. Till date, all States have appointed protection officers and most of them have registered service providers. All women including women from scheduled castes, scheduled tribe, minority women and women from other backward classes can file for relief under this law.

The Government also carried out regular awareness generation programmes on issues including domestic violence. To bring awareness on the issue of domestic violence the Bell Bajao (ring the bell) campaign was carried out at the national level. Advertisements on laws related to women are brought out in various national newspapers at regular intervals.

Based on the recommendations of the Justice Verma Committee, Criminal Law (Amendment) Act, 2013 was passed and brought into force. The salient features of the Act are as follows:

- Insertion of new provisions penalizing acid attack, sexual harassment, voyeurism and stalking.
- Widen the definition of rape to include non-penetrative form of sexual assault as well.
- Stringent penalties provided for rape committed by a person in a position of dominance, a member of the armed forces deployed in an area or on a woman incapable of giving consent.
- Increased penalty for gang rape and causing serious injury to the victim resulting her to remain in a vegetative state.

The interventions of the Government to address the issue of crime against women are primarily in the nature of legislative interventions or schematic interventions.

Legislative and Schematic interventions

A number of legislations have been put in place for the protection of women. While certain provisions contained in the Indian Penal Code provide for punishment for various offences against women, there are special legislations to address specific

offences. Review of existing laws are carried out from time to time in order to improve their effectiveness and also to bring about amendments wherever required.

a. Indian Penal Code (IPC), 1860: The provisions providing punishment for various offences against women are Section 354 IPC (Assault or criminal force to woman with the intent to outrage her modesty), Section 375, 376 — Rape and custodial rape, Section 304B — Dowry death, Section 498A — Husband or relative of husband of a woman subjecting her to cruelty, Section 509 — Word, gesture or act intended to insult the modesty of a woman, Section 366A IPC — Procuring a minor girl and Section 372 & 373 IPC — Selling/Buying or hiring/obtaining a minor for prostitution.

b. Special Legislative measures undertaken are

- Protection of Women from Domestic Violence Act, 2005 — The PWDVA is a civil law which seeks to provide emergency relief to women in the form of protection orders, residence orders, and monetary relief and compensation orders. It also provides for an inbuilt mechanism to facilitate the entire system of access to justice. It identifies specific functionaries such as the Protection Officers and Services Providers whose primary duty is to assist women in accessing relief provided under the law.

- Dowry Prohibition Act, 1961 — Recognizing the need to address the social evil of dowry, the Dowry Prohibition Act was enacted in 1961. The Act defines "dowry" and penalizes the giving, taking or abetting the giving and taking of dowry with imprisonment for a term which shall not be less than five years, and with the fine which shall not be less than fifteen thousand rupees. It also lays down a built-in implementation mechanism in the form of Dowry Prohibition Officers to ensure effective and efficacious enforcement of the law.

- Indecent Representation of Women (Prohibition) Act, 1986 — was enacted with the specific objective of prohibiting the indecent representation of women through advertisement, publication, writing, and painting or in any other manner. It prohibits such representation in any form in any advertisement, publication etc. and also prohibits selling, distribution, circulation of any books, pamphlets, and such other material containing indecent representation of women.

- Sexual Harassment at the Workplace — To provide a safe and secure environment to women at the workplace, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 has been enacted on December 2013. The Act seeks to cover workplaces in the organized and unorganized sectors and creates an effective complaints and redressal mechanism in the form of an Internal/Local Complaints Committee.

- Various schemes and support services, namely Swadhar and Short Stay homes, Ujjwala, women helplines, Ahimsa Messenger and awareness generation programmes at regular intervals are being implemented.

- Further under the provisions of Code of Criminal Procedure, State Governments have put in place Victim Compensation scheme for providing compensation to victims of various crimes.

- Specific legal provisions have been made mandating hospitals both in public and private sector to provide free medical to victims of rape and acid attack.

10. Response: Adequate legal provisions are available under penal Code and special laws to protect women and girls from violence including sexual violence. The Union Government advises the State Governments and Union Territory (UT) administrations from time to time on measures to be taken to control violence against women and girls.

A detailed advisory dated 04.09.2009 was sent to all State Governments/UT Administrations wherein States/UTs have been advised to take a comprehensive review of the effectiveness of the machinery for ensuring safety and security of women and control of crimes committed against them in the country. Some of the specific steps suggested in the advisory are as under:-

(i) Vigorously enforce the existing legislations and ensure proper enforcement of law and convictions in crimes related to women.

(ii) The administration and police should play a more proactive role in detection and investigation of crime against women and ensuring that there is no under reporting.

(iii) Increasing the overall representation of Women in Police forces.

(iv) Sensitizing the law enforcement machinery towards crime against women by way of well structured training and awareness programmes, meetings and seminars etc., for police personnel at all levels as well as other functionaries administering the criminal justice system.

(v) There should be no delay whatsoever in registration of FIRs in all cases of crime against women.

(vi) Help-line numbers of the crime against women cells should be exhibited prominently in hospitals/schools/colleges premises, and in other suitable places.

(vii) Set up exclusive 'Crime Against Women and Children' Desk in each police station and the Special Women Police Cells in the police stations and all women police Thana as needed.

(viii) For improving the safety conditions on road, the concerned Departments of the State Government must take suitable steps to:

a) Increase the number of police help booths/kiosks, especially in remote and lonely stretches;

b) Increase police patrolling, especially during the night;

c) Increase the number of women police officers in the mobile police vans;

d) Set-up telephone booths for easy access to police; and

e) Install street lights on all roads, lonely stretches and alleys.

(ix) Special steps to be taken for security of women working in night shifts of call centres.

(x) All police stations may be advised to display the name and other details of Protection Officers of the area appointed under the Domestic Violence Act, 2005.

Through the Criminal Law (Amendment) Act, 2013 stringent punishment has been prescribed for the offence of rape committed by a police officer, a public servant, a member of the armed forces deployed in an area by the Central or a State Government. The veracity of the complaint is decided after due investigation under the relevant laws and processes.

Trafficking and exploitation of prostitution

11. Response: As already responded vide para. 29 of the 4th and 5th periodic Report, necessary legal framework through various pieces of legislation is put in place to achieve the mandate under Article 23 of the Constitution. The State as well statutory bodies like National Commission for Women and National Commission for Protection of Child Rights review various safeguards provided under various legislations from time to time and identify gaps in implementation which enables the State to take corrective action for effective implementation as also for bringing necessary amendments to plug loopholes. The State strives to adopt international standards in this endeavour while keeping local conditions in mind. No need is, therefore, felt at this stage to bring in a comprehensive legislation on trafficking in human beings separately.

Trafficking in women and girls mainly takes place for commercial sexual exploitation and the methods include tempting offers of lucrative jobs, duping and tricking girls with false promises. It is difficult to estimate the exact number of girls/women who are trafficked and exploited for commercial sex owing to clandestine nature of the operations and organised nature of the crime.

Anti-Human Trafficking Unit (AHTU) — The AHTUs are integrated task forces to prevent and combat trafficking in persons and consist of a group of trained sensitive officials of the Police and the Women and Child Welfare Department of the State, and also reputed local NGOs. They function as coherent units.

- The AHTU is to be notified by the State Government as a Police Station for the entire district for registration and investigation of all cases relating to the crime of Human Trafficking which would be in addition to the other Police Stations in the District.
- The AHTU will attend to all the three aspects of trafficking viz. prevention, protection and prosecution. They will also develop databases on traffickers, network with all concerned agencies as and when required. The AHTU will thus be the field level functional unit to address human trafficking in a holistic manner.
- The AHTUs will, thus, address the existing gaps in the law enforcement response to trafficking and serve as the institutional mechanism for combating the crime, working across all the stakeholders i.e. police, prosecution, rescue, NGOs etc. They will help to enhancing cooperation between law enforcement agencies, concerned government departments and NGOs who have the expertise and capacity to assist trafficked victims by institutionalizing this cooperation.
- Mandate of AHTUs

- Ensuring focused attention in dealing with offences of human trafficking and providing a multidisciplinary approach and a joint response by all stake holders.
- Ensuring an 'organized crime' perspective in dealing with trafficking crimes.
- Bringing about inter-departmental collaboration among the police and all of the government agencies and departments, such as women and child, labour, health, etc.;
- Conducting rescue operations with the assistance of NGOs whenever they receive information about trafficking activities either from police sources, or NGOs or civil society.
- Ensuring a victim-centric approach which ensures the 'best interest of the victim/survivor' and prevents 'secondary victimization/re-victimization' of the victim as well as ensuring a gender sensitive and child rights sensitive approach in dealing with trafficked victims;
- Functioning as the grass roots unit for collection and development of an exhaustive database on all law enforcement aspects of the crime, including information on traffickers and trafficking gangs, which they will convey to the District and State Crime Records Bureau for further transmission to the National Crime Records Bureau. Thus, AHTUs will facilitate availability of comprehensive national level data on this criminal activity.
- As on date 225 AHTUs have been established and more than 10,000 police personnel have been trained.
- Ujjawala is a comprehensive scheme to combat trafficking of women and children for commercial sexual exploitation was launched on 4 December, 2007 and is being implemented mainly through Non-Governmental Organisations (NGOs). The Scheme has five components — Prevention of trafficking, Rescue, Rehabilitation, Re-Integration and Repatriation of trafficked victims for commercial sexual exploitation.

Some of the activities envisaged under the Scheme are:-

- Formation of community vigilance groups, adolescents groups, awareness creation and preparation of IEC material, holding workshops, etc. (Prevention).
- Safe withdrawal of victims from the place of exploitation. (Rescue)
- Rehabilitation of victims by providing them safe shelter, basic amenities, medical care, legal aid, vocational training and income generation activities.
- Re-integration of victims into society.
- Provide support to cross-border victims for their safe repatriation to their country of origin.

Under the Scheme, financial assistance is provided to eligible organisations for undertaking the above activities. So far, 151 Rehabilitation Homes have been sanctioned which can accommodate more than 7,000 victims.

The Government of India has been advising State Governments from time to time for improving the enforcement mechanism for combating trafficking of women and

children. Police have been advised to work with other agencies and stake holders to ensure that those who have been rescued are not retrafficked and also to treat victims and persons involved in human trafficking differently.

The Supreme Court of India in Criminal Appeal No. 135 of 2010 (Budhadev Karmaskar vs. State of West Bengal) appointed a Panel comprising a senior Counsel, advocates and NGOs to study and make suitable suggestions on Prevention of trafficking, Rehabilitation of Sex Workers who wish to leave sex work and conditions conducive for sex workers to live with dignity in accordance with the provisions of Article 21 of the Constitution (Right to life with dignity).

The Panel has so far submitted twelve interim reports to the Supreme Court. The Supreme Court accepted the 7th interim report which proposed an action plan for providing Crèches, Pre-School Programmes, Day and Night care centres and Counselling to the children of sex workers. The Government has been implementing various welfare programmes for children and above facilities are available under such programmes which are open to the children of sex workers also.

The draft Integrated Plan of Action to prevent and combat human trafficking with special focus on women and children is being updated in light of recent developments.

Participation in political and public life

12. Response: The Government is committed to ensuring reservations of 33% for women in the Parliament and the State Legislatures. The Constitution (108th Amendment) Bill has been passed by the Rajya Sabha on 9 Mar 2010 and is under consideration of the other House of the Parliament.

The Women (Reservation in Services) Bill, 2012 (Private Members Bill) is pending for consideration in the Lok Sabha (Lower House of the Parliament).

The Constitution, provides for mandatory reservation of 1/3rd seats and offices of Chairpersons for women in Panchayati Raj Institutions at all levels.

A proposal to enhance reservation for women in Panchayats to 50% is under consideration of Parliament. 15 states have already passed legislation reserving at least 50% seats for women in Panchayats. In one state reservation for women in Panchayats is 40%.

There are more than one million elected women representatives in the panchayats as against a total of 2.8 million elected representatives.

The capacity building of elected representatives is undertaken under a special plan scheme which nurtures the elected women representatives also this helps them in taking up additional responsibilities and move upwards in the political system.

Article 15 of the Constitution of India prohibits discrimination on the grounds of religion, race, caste, class and gender. It permits the State to make special provision for the advancement of women as well as socially and educationally backward sections of society. Article 15 has been interpreted in the spirit of substantive equality which allows differential treatment in order to address prevalent social inequalities, as has been done by the Himachal Pradesh Government by abolishing the two-child norm policy for contesting Panchayat elections.

As regards female judges in the Supreme Court, it needs to be mentioned that the selection of the judges is done through a well-established system wherein there is no discrimination based on sex, religion etc.

Education

13. **Response**: The Sarva Shiksha Abhiyan (SSA), a national flagship programme for universalization of elementary education, has brought India close to the target of universalization of primary education. Right to Education Act (RTE), 2009 makes eight years of elementary education (age 6-14 years) a fundamental right for all children. The norms for implementation of SSA have been revised to correspond with the provisions of the RTE Act.

A two pronged gender strategy has been adopted to make the education system responsive to the needs of girls through targeted interventions which serve as a pull factor to enhance enrolment and retention of girls in school and on the other hand to generate a community demand for girls' education through training and mobilisation.

SSA targeted interventions for girls' children include:

- Opening of schools in the neighbourhood to make access easier for girls. SSA has sanctioned opening of 208,731 Primary Schools (PS), 159,499 Upper Primary Schools (UPS), Construction of 197,206 PS and 109,631 UPS and 1,803,935 additional classrooms till 2013-14.
- Appointment of additional teachers including women teachers — Till date SSA has sanctioned 1.984 million teachers out of which 1.415 million have already been recruited.
- Free Textbooks — SSA is supporting free text books to over 88.5 million children annually.
- Free Uniforms — Annually SSA supports free uniform distribution to over 80.1 million to girls, SC boys, ST boys and Below Poverty Line (BPL) boys.
- Separate toilets for girls — SSA has sanctioned 881,437 toilets including girls' toilet till 2013-14.
- Teachers' sensitisation programmes to promote girls participation — The revision of in service teacher training designs to incorporate gender sensitization for all elementary school teachers, to create a supportive and enabling environment for girls participation in schools is a continuous exercise.
- Gender-sensitive teaching-learning materials including textbooks — National Curriculum Frame work (NCF) -2005 emphasizes the core value of equality. It stressed upon the need to remove gender bias from the school curriculum and textbooks. It underlined the need to sensitize all school personnel so that equality between sexes gets internalized by a gender sensitive and gender inclusive curriculum and its transaction. The initiative to remove existing bias in textbooks was undertaken by states while reviewing the curriculum and text books. The challenges in the education system are in terms of gender gap in access retention and achievement; in terms of inequality, discrimination, inclusion based on gender etc. The education system is expected to fulfil two

objectives simultaneously. At one level, the challenge is to make and build a system which is free of gender discrimination and inclusive. And on the other, this very system will have to shoulder the important responsibility to impart education which can play its role as an agent of social change. In this regard under SSA, the efforts are being made at the following levels:

1. Through Teachers Training Modules by evolving a system encompassing some critical pedagogical changes through development of teachers training modules.

2. School/Classroom environment has the potential for bringing about attitudinal and behavioural changes in the students and indirectly the parents. It has been found that there are positive and inclusive practices in our schools in terms of access to food, water for all children, sharing of responsibility, equal attention by teachers etc. with the most dominant factor being the interest and commitment of the Head teacher and the voluntary initiative taken up by the teachers in promoting inclusion of all kinds and form i.e., caste, class, gender or disability.

3. Gender Sensitive Curriculum, Syllabus & Textbooks: Following the NCF 2005 Guidelines, States have consciously taken a decision to establish gender as a critical marker of transformation through increasing visual representation of girls and women and facilitating role reversal.

4. School Management Committee (SMCs): The RTE Act clearly outlines the 50% stake of women's in constitutions of SMC at school level. Under the SSA program the school level tasks such as- enrolment, infrastructure development, ensure of resources availability are being manage by SMC and it also responsible to sensitize for gender responsiveness in schools.

- Intensive community mobilisation efforts to promote girls education.

Training of the members of the SMCs with SSA funds is a regular feature. SMCs training modules incorporate gender sensitization of the community to encourage enrolment, attendance and retention of girls in elementary schools, benefits of girls education and the necessity to maintain a gender sensitive school environment. SSA provides for 0.5% of the district outlay under the scheme to be used for community mobilisation which focuses on issues of social access, regular attendance of children, completion of elementary education of all children, child entitlements under the RTE Act rules and raising public awareness about issues which includes ones relating to the girl child.

- Kasturba Gandhi Balika Vidyalaya (KGBV) have been opened in Educationally Backward Blocks (EBBs) where the female rural literacy is below the national average to provide for residential upper primary schools for girls. The KGBV reaches out to (a) girls who are unable to go to regular schools, (b) out of school girls in the 10+ age group who are unable to complete primary school, (c) younger girls of migratory populations in difficult areas of scattered habitations that do not qualify for primary/upper primary schools. Among these girls KGBVs provide reservation for 75% girls belonging to SC, ST, OBC and minority communities. In respect of the remaining 25% priority is given to girls from BPL families. As on date, out of 3,609 KGBVs sanctioned, 3,573 are operational enrolling 3, 49,037 girls out of which 1, 06,572 (30.53%) are from SC Community, 87,224 (24.99 %) are

from ST Community, 26,164 (7.5%) belong to Muslim Minority and 22,594 (6.47%) are from BPL families.

- Strategies adopted for girls' education in Special Focused Districts (SFDs) in SSA include interventions for high gender gap districts and for SC, ST and Muslim girls by special sanctions given in these districts for new primary schools, new upper primary schools, additional classrooms and teachers.

The improved Indicators in respect of girls are at **Annexure V**.

Rashtriya Madhyamik Shiksha Abhiyan (RMSA)

RMSA was launched in March, 2009 with the objective to enhance access to secondary education and to improve its quality. The implementation of the scheme started from 2009-10 and envisages achievement of enrolment rate of 75% from 52.26% in 2005-06 at secondary stage within 5 years of implementation of the scheme by providing a secondary school within a reasonable distance of any habitation. The other objectives include improving quality of education imparted at secondary level through making all secondary schools conform to prescribed norms, removing gender, socio-economic and disability barriers, providing universal access to secondary level education by 2017, i.e., by the end of 12th Five Year Plan and achieving universal retention by 2020.

Important physical facilities provided under the scheme are (i) Additional class rooms, (ii) Laboratories, (iii) Libraries, (iv) Art and crafts room, (v) Toilet blocks, (vi) Drinking water provisions and (vii) Residential Hostels for Teachers in remote areas.

Important equity interventions provided in the scheme are (i) special focus in micro planning (ii) preference to Ashram schools in up gradation (iii) preference to areas with concentration of SC/ST/Minority for opening of schools (iv) special enrolment drive for the weaker section (v) more female teachers in schools; and (vi) separate toilet blocks for girls.

During the 11th Five Year Plan, the Central Government bore 75% of the project expenditure during the 11th Plan, with the remaining 25% being borne by State Governments. However, funding pattern was 90:10 for North Eastern States (including Assam).

Girl's specific interventions in RMSA — The educational development of children, specially the girl children is the special focus of RMSA. It provides for various measures including community mobilization at the habitation/village/urban slum level, distribution of uniforms, scholarships, education provisions like textbook, stationary, transport facilities, provision of lady teachers, construction of residential quarters for teachers in remote/hilly areas/ in areas with difficult terrain/hostel facilities for girls etc. Further, special coaching classes/remedial classes especially for educationally minority girls and children who are not doing academically well, teacher sensitization programme, separate toilet block for girls, girls activity room, etc. have also been provisioned in the scheme.

Girls' Hostel Scheme — The Scheme titled "Construction & Running of Girls' Hostel for Students of Secondary & Higher Secondary Schools" launched in 2008-09 is being implemented from 2009-10. The Scheme envisages construction of a hostel with the capacity of 100 girls in each of 3479 Educationally Backward Blocks (EBBs) in the country.

The main objective of the Scheme is to improve access to and retain the girl child with focus on girls belonging to SC, ST, OBC, Minority Community and BPL families in secondary and higher secondary classes (IX-XII) .

National Scheme of Incentive to Girls for Secondary Education (NSIGSE) — The scheme named "National Scheme of Incentive to Girls for Secondary Education (NSIGSE)" was launched in May 2008 with the objective to establish an enabling environment to reduce the drop-outs and to promote the enrolment of girl child belonging mainly to SC/ST communities in secondary schools. According to the scheme, a sum of Rs.3,000/- (USD 48.67) is deposited in the name of eligible unmarried girls as fixed deposit, who are entitled to withdraw it along with interest thereon on reaching 18 years of age and passing 10th class examination. The scheme covers (i) all girls belonging to SC/ST communities who pass class VIII and (ii) all girls who pass VIII examination from Kasturba Gandhi Balika Vidyalayas (irrespective of whether they belong to SC/ST) and enrol in class IX in Government, Government-aided and local Body schools. More than 95% of the benefited girls belong to SC and ST communities.

Kendriya Vidyalayas — The various provisions followed by Kendriya Vidyalayas to support girls education include exemption to all girl students from paying tuition fee from class I to XII; exemption to single girl child from payment of all kinds of fee from class VI to XII; provision of reservation in admission for single girl child over and above the sanctioned class strength and opportunities to girls for their all-round development through various activities like NCC, Guide wing of Bharat Scouts and Guides and Sports and Games.

Navodaya Vidyalaya system is a unique experiment, unparalleled in the annals of school Education in India and elsewhere run by Autonomous body under Government of India. The features that support access and education of girls from rural areas are:

- One Navodaya Vidyalaya in every district of the Country.
- Location — in rural areas.
- Free education including boarding & lodging.
- Medium of Instruction — Regional Language from Class-VI to VIII and Hindi & English thereafter.
- 33% seats reserved for girls.
- 75% seats reserved for rural students.
- Student Exchange Programme — Migration of 30% students at Class-IX for one academic year from Hindi speaking districts to non-Hindi speaking districts and vice-versa.

The improved indicators for girls at secondary level are at **Annexure VI**.

Evaluation of text books — Analysis of Textbooks of NCERT and States at the Upper Primary Stage from a Gender Perspective in the Light of NCF- 2005 was undertaken in the year 2011-12. From the analysis of books pertaining to the domain of Social Science, Science and Maths, it was found that NCERT textbooks are by and large gender inclusive. In some cases, they are gender neutral and promote problem solving and critical thinking among children. The cover pages and back of

the cover page of social science, science and maths textbooks have visuals of girls and at times boys and girls are shown in performing activities. Books also have positive gender messages.

A multi-pronged strategy to address the educational backwardness of the Muslim community, as brought out by the Sachar Committee, has been adopted. With a view to ensuring educational empowerment of minorities, the Government has initiated several measures as given in **Annexure VII**.

Employment

14. Response: The State does not discriminate on the ground of sex in public employment. The State encourages women to join the workforce through various initiatives including such as waiver of recruitment fee for women candidates, facilities like maternity benefit and child care leave, crèche facilities for children of working mothers and working women hostels, and efforts are made to post both husband and wife at the same station.

The women's **vocational training programme** attempts to promote women employment in industry (mainly organized sector) as semi-skilled/skilled & highly skilled workers by increasing their participation in skill training facilities under Craftsmen Training Scheme and Craft Instructors Training Scheme. To achieve this objective women exclusive 1431 women industrial training Institutes and women wings in general Industrial Training Institutes have been set up by Central and State Government .More than 100,000 women have been trained under this programme since its inception in 1977.

Working Women Hostel (WWH) scheme provides safe and affordable hostel accommodation to working women, women working at places away from their home-town and for women being trained for employment. Since its inception in 1972-73 till date 911 hostels have been set up.

The **Support to Training and Employment Programme for Women** scheme aims at upgrading skills for employment and income generation for marginalized and asset-less rural and urban women on a self-sustainable basis.

National Rural Livelihood Mission (NRLM) aims at reducing poverty by enabling the poor households to access gainful skill employment and skilled wage employment opportunities. The main aim of the programme is to help the poor women to increase household income. The Mahila Kisan Sashaktikaran Pariyojana (MKSP) was introduced as an independent livelihood initiative targeting women in the productive sector (Agriculture and allied sector) under NRLM.

Mahatma Gandhi National Rural Employment Guarantee Scheme (NREGS) guarantees 100 days per household per year of unskilled work on public works projects in rural areas. It is mandatory to allocate 33% of resources under this scheme to women.

As regards Payment of Wages (Nomination) Rules of 2009, these rules are statutory in nature and hence it is mandatory for every employee to comply with the requirements.

The Unorganized Sector Social Security Rules, 2009 under the Act has been framed and the national social security board was constituted on 18th August 2009. The National Board has recommended extension of Rashtriya Swasthya Bima

Yojana (RSBY), Janashree Bima Yojana and old age pension to certain categories of unorganized workers.

Amongst various schemes available to unorganized workers, Janani Suraksha Yojana is specific to women. It provides financial support to mother and health workers to promote institutional delivery. Under RSBY that provides cashless health insurance cover, as on November, 2013, women constitute about 48% of the beneficiaries who have taken hospitalization benefit.

To encourage the people from the unorganized sector, including women, to voluntarily save for their retirement and to lower the cost of operations of the New Pension Scheme (NPS) for such subscribers, the Government will contribute Rs. 1,000 (USD 16.22) per year to each NPS account opened in the year 2010-11. This initiative, "**Swavalamban**" will be available for persons who join NPS, with a minimum contribution of Rs. 1,000 (USD 16.22) and a maximum contribution of Rs. 12,000 (USD 194.71) per annum during a financial year. The Swavalamban Scheme has now been extended to five years for the beneficiaries enrolled in 2010-13 period.

Aam Admi Bima Yojana, a Social Security Scheme for rural landless household was launched in October, 2007 by the Government of India. The head of the family or one earning member in the family of such a household is covered under the scheme. The premium of Rs. 200/-(USD 3.24) per person per annum is shared equally by the Central Government and the State Government. The member to be covered should be aged between 18 and 59 years. A separate fund called "Aam Admi Bima Yojana Premium Fund" has been set up by Central Government to pay the Government contribution. Fund is maintained by LIC. A free add-on benefit in the form of scholarship to children is also available under the Scheme.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came into force with effect from 9th December 2013. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 has also been notified on 9th December, 2013. The Act seeks to cover all women, irrespective of their age or employment status and protect them against sexual harassment at all workplaces both in public and private sector, whether organized or unorganized. The Act envisages mechanism in the form of Internal Complaints Committee (ICC) and Local Complaints Committee (LCC). All workplaces employing 10 or more than 10 workers are mandated under the Act to constitute an ICC. Complaints from workplaces employing less than 10 workers or when the complaint is against the employer will be looked into by the LCC. The Act casts a responsibility on every employer to create an environment which is free from sexual harassment. Under it employers are required to organize workshops and awareness programmes at regular intervals for sensitizing the employees about the provision of this legislation. During pendency of inquiry the aggrieved woman can seek for temporary relief in the nature of transfer and paid leave. Further, at the time of determining the nature of penalty the Complaints Committee can order compensation to be paid to the aggrieved woman.

Health

15. Response: The Government is ready to launch a National Urban Health Mission (NUHM) as a new sub-Mission under the over-arching National Health Mission (NHM). It envisages one Urban Primary Health Centre (U-PHC) for every

fifty to sixty thousand population; one Urban Community Health Centre (U-CHC) for five to six U-PHCs in big cities; one Auxiliary Nursing Midwives (ANM) for 10,000 population and one Accredited Social Health Activist ASHA (community link worker) for 200 to 500 households.

The scheme will focus on primary health care needs of the urban poor, including women and girls. This Mission will be implemented in 779 cities and towns with more than 50,000 population and cover about 77.5 million people. The interventions under the sub-mission will result in reduction in Infant Mortality Rate (IMR), reduction in Maternal Mortality Ratio (MMR), universal access to reproductive health care and convergence of all health related interventions.

NUHM aims to improve the health status of the urban population in general, particularly the poor and other disadvantaged sections by facilitating equitable access to quality health care, through a revamped primary public health care system, targeted outreach services and involvement of the community and urban local bodies.

Details on the Status of Maternal Mortality rate is at **Annex VIII**. Details on the progress under NRHM is at **Annex IX**.

Improving nutrition status of India's women and young children, both in urban and rural areas, is a high priority for the Government of India. The government has focused efforts on targeting children, mothers and adolescent girls through various programmes of Ministry of Women and Child Development and other ministries. These efforts have been more pronounced after 2005. Thrust was also provided by the **National Nutrition Council** taking four key decisions: to strengthen and restructure the ICDS programme, to design a multi-sectoral programme in 200 high-burden districts; to implement a nation-wide IEC campaign against malnutrition; and to bring nutrition focus in various programmes of different ministries.

Besides strengthening and restructuring ICDS through programmatic, managerial and institutional reforms including financial and human resources; **ICDS system strengthening and Nutrition Improvement Project (ISSNIP)** has been designed and approved to supplement and provide value addition on the existing ICDS programme. The Government has also approved multi-sectoral nutrition action programme in 200 high burden districts bringing focus and convergence amongst various sectoral programmes which are nutrition outcome sensitive and intensive. There is also a programmes for propagation of nutri-cereals in these 200 high burden districts.

The Ministry of Women and Child Development has also launched the **Indira Gandhi Matritva Sahyog Yojana (IGMSY)** — a conditional maternity benefit scheme using the ICDS platform, which provides a cash benefit of Rs. 4000 (USD 64.9) directly to women 19 years and above for the first two live births if they fulfil specific conditions relating to maternal and child health and nutrition.

The recently enacted **National Food Security Act 2013**, seeks to provide for food and nutritional security by ensuring access to adequate quantity of quality food at affordable prices to people, also incorporates the ICDS nutrition services and provisions of maternity benefits for pregnant and lactating mothers.

Under the umbrella of **National Rural Health Mission (NRHM)**, various interventions for **prevention and control of anaemia** among children and pregnant

women are being implemented. These steps include universal screening of pregnant women for anaemia as part of ante-natal care and supplementation with iron and Folic Acid tablets to all pregnant and lactating women. Pregnant and lactating women are provided with Iron — folic acid (IFA) tablet for 100 days during pregnancy. The Intra Uterine Device acceptors are also provided IFA tablets for 100 days in a year; the Weekly Iron-Folic acid Supplementation Programme (WIFS) is recently being introduced for adolescent boys and girls in Government and Government aided schools and out of school adolescent girls in order to increase their pre-pregnancy iron stores and decrease prevalence of anaemia; children from 6 months to 10 years are provided Iron Folic Acid (IFA) supplementation in syrup/tablet form for at least 100 days in a year; identification and tracking of severely anaemic pregnant women at all the Sub Centres and Primary Health Centres for their timely management; health and nutrition education during Village Health and Nutrition Days to promote dietary diversification, inclusion of iron folate rich food as well as food items that promotes iron absorption and distribution of Long Lasting Insecticide Nets (LLINs) and Insecticide Treated Bed Nets (ITBNs) in endemic areas to tackle the problem of anaemia due to malaria particularly in pregnant women and children.

Under the NRHM, in order to reduce the number of unsafe abortions in the country, the Government has taken the following steps:

i. Dissemination of Comprehensive Abortion care-Service Delivery and Training Guidelines to States

ii. Provision of safe abortion services at PHCs on 24X7 basis.

iii. Funds are being provided to Stes/UTs for operationalization of safe abortion services at Health centres including procurement of equipment and drugs.

iv. Capacity Building of medical officers in safe abortion technology and of ASHA, ANM and other field functionaries to provide confidential counselling for safe abortion and promote post-abortion care including adoption of contraception.

v. Certification of private and NGO sector facilities through District level Committees to provide quality MTP services.

As per the 2011 census although there was a decrease in the overall Child sex ratio, yet few states have shown a reverse trend. Further sex ratio at birth at the national level has shown an improvement. A National Plan of action (NPoA) for improving the child sex ratio (CSR) is envisaged to be operationalized through a comprehensive approach in a well-connected and strategic manner by multiple stakeholders at different levels to arrest the decline and significantly improve the child sex ratio. To begin with, the action plan on CSR is proposed to be implemented in 100 gender critical districts spread across 12 States as special intervention. Accordingly, contours of a scheme for improving the Child Sex ratio (CSR) in 100 gender critical districts — Care and Protection of the Girl Child — a multi sectoral action plan have been prepared.

As on a 30.06.2013 a total of 1833 ongoing cases have been filed in the courts for various violations of the Pre Conception and Pre Natal Diagnostic Technique (Prohibition of Sex Selection) PC & PNDT Act. A total of 143 cases of conviction

have been secured against violations of the Act and 65 medical licenses of convicted doctors have been cancelled. In addition cases under the Penal Code for infanticide were registered in 226 incidents and 95 convictions were secured.

Rural women

16. Response: The National Rural Employment Guarantee (NREG) Act mandates 33% employment for women. However, since the inception of the MG NREGS 13,380 million person days of employment have been generated of which, 51% are women. Nearly 100 million bank/post office accounts of the poorest people have been opened and 80% of payments under this scheme are made through this route which is an unprecedented step in the direction of financial inclusion. Micro credit is made available to women through banking and non-banking financial institutions. The Government of India also set up a National Credit Fund for Women (Rashtriya Mahila Kosh) for extending microcredit to women's groups. Recently the Government has set up an exclusive bank for women namely Bharatiya Mahila bank.

The **National Agriculture Policy (2000)** has incorporated gender issues in the agriculture development agenda recognizing women's role as farmers and producers of crops and live stocks; as users of technology; as active agents in marketing, processing and storage of food and as agricultural labourer. The policy states that high priority should be accorded to recognition and mainstreaming of women's role in agriculture. Appropriate structural, functional and institutional measures are proposed to be initiated to empower women and build their capacities and improve their access to inputs such as land, credit and agricultural technologies. Therefore, both for consideration of sustainability and equity Agricultural Research and Extension is more women centred reflecting the role of women as farmer.

A **Gender Resource Centre (GRC)** has been set up in the Ministry of Agriculture to act as the focal point for convergence of all issues related to 'Gender in Agriculture'. The GRC would ensure that policies in agriculture reflect the national commitment to Empowerment of Women. The GRC would not only undertake and support training, research and advocacy on gender issues in Agriculture & Natural Resources Management (NRM) but would forge effective functional linkages with other related departments, agencies and institutions.

The Agriculture Census shows that there is increase in percentage of female operational holders from 10.83 % in 2000-01, 11.70% in 2005-06 to 12.79% in 2010-11. This indicates participation of more and more women in operation and management of agricultural holdings in the country.

In addition women farmers are benefited by Kisan Call Centres which can be accessed through a toll free line answered by agri-graduates and specialists, schemes for dairy and poultry development. Details on the nature of preferential treatment given to women under Programmes/Schemes in the agriculture sector are at **Annex X**.

Disadvantaged groups of women

17. Response: The Indian Constitution allows the State to take affirmative action to protect the interest of disadvantaged sections of society. The State's legal framework to tackle violence against women is equally available to Dalit women. In

addition, under the Constitutional mandate, a special law namely Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (1989) has been brought into force which provides protection from violence to members of schedule casts and schedule tribes including women belonging to these sections.

The Government of India together with the State Governments, has been focussing attention to improve the administration of criminal justice system especially to ensure prevention of atrocities against the Scheduled Castes and the Scheduled Tribes and other vulnerable sections of society. These guidelines, inter-alia, include the sensitization of police personnel in implementation of the Protection of Civil Rights Act and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, instructions to Police to have more empathetic approach while dealing with cases of atrocities against them, circulation among field officers a detailed note indicating the scope and responsibility of police personnel investigating such offences, recruitment of sufficient number of persons belonging to SCs/STs/Minorities as police personnel especially at the cutting edge level, setting up of special cells to deal with such offences, programmes for creating awareness among the vulnerable sections of society and legal recourse open to them, evaluation of the working of special courts, identification of atrocity prone areas for prevention of crime and measures to be taken for economic and social rehabilitation of victims of atrocities.

States have been taking criminal action under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against those employing a person for manual scavenging.

The Government implements a self-employment scheme for rehabilitation of manual scavengers with the objective to rehabilitate remaining manual scavengers and their dependents in a time bound manner. Under the scheme, identified manual scavengers, one from each family are provided one-time cash assistance, skill training for a period of two years with stipend and project based back ended capital subsidy and concessional loans for undertaking self-employment ventures.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 which was introduced in the Parliament in September 2012, has been passed in the Lower House (Lok Sabha) of the Indian Parliament in September 2013, and has been referred to the Upper House (Rajya Sabha).

18. Response: As part of the ongoing efforts to improve the overall wellbeing of women, including those belonging to religious minorities, government has been coordinating with various Ministries in the Central Government as well as engaging with the State Governments. Details of the follow up action taken on the recommendations of the Sachar Committee is at **Annexure XI**.

19. Response: The Government is committed to the cause of persons with disability and has recently created a new and a separate Department of Disability Affairs which was earlier a part of the Ministry of Social Justice & Empowerment. With the creation of this new and separate Department, there has been more focus on the policy issues and to address problems of persons with disability, including women and girls with disabilities, in accordance with the National Policy for Persons with Disabilities.

The Government has a National policy on older persons which envisages State support to ensure financial and food security health care, shelter and other needs of

older persons, equitable share in development, protection against abuse and exploitation. The policies and programmes of the Government in respect of older persons including older women are framed keeping in view the objectives of this policy.

The Government enacted the maintenance and Welfare of Parents and Senior Citizens Act, 2007 in December 2007 to ensure need based maintenance for parents and senior citizens and their welfare. The Act provides for penal provision for abandonment of senior citizens.

The Criminal Law (Amendment) Act, 2013 prescribes higher penalty for rape committed on a woman suffering from physical or mental disability.

Refugee and asylum-seeking women

20. Response: Even though India has not signed the UN Convention on refugees of 1951 or its 1967 Protocol, India has been practising the principle of non-refoulement voluntary repatriation and equality before law of refugees.

As such India hosts large number of refugees from neighbouring countries. The Government of India allows UNHCR mandated refugees to apply for long term visas. They have access to basic Government facilities such as health and education.

India's framework for refugees' protection is second to none.

Marriage and family relations

21. Response: The Registration of Births and Deaths (Amendment) Bill 2012, which seeks to amend the Registration of births and Deaths Act, 1969 to provide compulsory registration of marriages irrespective of religious denominations of the Parties was passed by upper House of the Indian Parliament (Rajya Sabha) and the same is pending for consideration in the Lower House (Lok Sabha).

The Hindu Succession (Amendment) Act, 2005 (39 of 2005) came into force on 9.9.2005. The amendment removed the discrimination contained in Section 6 of the Hindu Succession Act, 1956 by giving equal rights to daughters in the Hindu Mitakshra coparcenary property as the sons have. This amendment also removed the disability on female heirs to ask for partition in respect of a dwelling house wholly occupied by a joint family until the male heirs chose to divide their respective shares therein.

The Personal Laws (Amendment) Act, 2010 has amended the Guardians and Wards Act, 1890 and the Hindu Adoptions and Maintenance Act, 1956 to include the mother along with the father as a fit person to be appointed as guardian and also to remove the incapacity of a married woman to take in adoption and so as to provide that the mother, with the consent of father and vice versa, shall have equal right to give in adoption of their children.

All stake holders working in the field are proactively encouraged by the Government including its officials to stop child marriages, and also to work towards bringing about changes in social acceptance of child marriage- both by effective implementation of the Prevention of Child Marriage Act, 2006 as well as undertaking advocacy programmes in the field. The Government of India advises the State Governments to ensure coordination among various agencies to implement the provisions of the Act. An advisory was issued to the State Governments to

ensure registration of FIR and subsequent investigation following Code of Criminal Procedure once a complaint about a child marriage is received. It was also emphasised that immediate arrest of offenders is necessary.

The Government has taken a number of steps to enhance the status of girl child and to address the problem of child marriage:

- To promote sensitization and awareness on the girl child, the Government has declared January 24 of every year as 'National Girl Child Day'.
- Every year, State Governments are requested to take special initiative to delay marriage on AkhaTeej — the traditional day for such marriages, by coordinated efforts.
- Workshops, seminars and legal awareness camps are organized to bring attitudinal changes to prevent child marriage.
- SABLA, a Scheme for empowering adolescent girls, has been launched in 200 districts of the country from 19th November 2010. The Scheme aims at empowering adolescent girls (11-18 years) by improving their nutritional and health status and upgrading various skills like home skills, life skills and vocational skills etc. and building awareness on various issues. They would also be sensitized towards the importance marriage at the right age. By empowering adolescent girls, who can say no to early marriage, the Scheme would also address the issue of child marriage.

Optional Protocol and amendment to Article 20 (1) of the Convention

22. **Response**: India is not a party to the Optional Protocol to the Convention.